

Neal A. Potischman (SBN 254862)
 Serge A. Voronov (SBN 298655)
 DAVIS POLK & WARDWELL LLP
 1600 El Camino Real
 Menlo Park, California 94025
 Telephone: (650) 752-2000
 Facsimile: (650) 752-2111
 Email: neal.potischman@davispolk.com
 serge.voronov@davispolk.com

Edmund Polubinski III (*pro hac vice*)
 Andrew S. Gehring (*pro hac vice*)
 DAVIS POLK & WARDWELL LLP
 450 Lexington Avenue
 New York, New York 10017
 Telephone: (212) 450-4000
 Facsimile: (212) 701-5800
 Email: edmund.polubinski@davispolk.com
 andrew.gehring@davispolk.com

Attorneys for Defendant Tezos Stiftung

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

BRUCE MACDONALD, Individually and on
 Behalf of All Others Similarly Situated,

Plaintiff,

v.

DYNAMIC LEDGER SOLUTIONS, INC., a
 Delaware corporation, TEZOS STIFTUNG, a
 Swiss Foundation, KATHLEEN BREITMAN,
 an Individual, ARTHUR BREITMAN, an
 Individual, TIMOTHY COOK DRAPER, an
 individual, DRAPER ASSOCIATES,
 JOHANN GEVERS, DIEGO PONZ, GUIDO
 SCHMITZ-KRUMMACHER, BITCOIN
 SUISSE AG, NIKLAS NIKOLAJSSEN and
 DOES 1-100, INCLUSIVE,

Defendants.

Case No. 3:17-cv-07095-RS

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
 TIME TO RESPOND TO THE
 COMPLAINT TO COORDINATE WITH
 RELATED CASES**

Pursuant to Local Rules 6-2 and 7-12, Plaintiff and Defendants Dynamic Ledger Solutions, Inc. (“DLS”), Tezos Stiftung (the “Foundation”), Kathleen Breitman, Arthur Breitman (together, the “Breitmans”), Timothy Draper, Draper Associates V Crypto LLC (together, “Draper”), Johann Gevers, Diego Olivier Fernandez Pons, Bitcoin Suisse AG, and Niklas Nikolajsen (collectively, “Defendants,” and, together with Plaintiff, the “Appearing Parties”), through their counsel, submit the following Joint Stipulation and [Proposed] Order Extending Time to Respond to the Complaint:

WHEREAS, Plaintiff commenced the above-captioned action (the “Instant Action”) on December 13, 2017;

WHEREAS, on December 14, 2017, the Instant Action was deemed related to the action entitled *GGCC, LLC v. Dynamic Ledger Solutions, Inc.*, 3:17-cv-06779 [ECF No. 6], which itself had been deemed related to *Okusko v. Dynamic Ledger Solutions, Inc.*, 17-cv-06829 [GGCC, ECF No. 11] (together, the “Related Actions”) and motions are pending to consolidate or coordinate;

WHEREAS, by stipulation and Order, Defendants’ deadline to answer, move to dismiss, or otherwise respond to the complaint in the Instant Action is currently March 6, 2018 [ECF Nos. 47, 49, 54];

WHEREAS, the current deadline for the defendants in the Related Actions to answer, move to dismiss, or otherwise respond to the complaints is 30 days after the Court appoints a lead plaintiff and lead counsel therein, and lead plaintiff files and serves a consolidated complaint or notice stating that lead plaintiff designates a previously filed complaint as operative [GGCC, ECF Nos. 21, 66; *Okusko*, ECF Nos. 18, 25, 38];

WHEREAS, lead plaintiff applications have been filed in the *GGCC* action, with various parties taking differing positions on the appointment of lead plaintiff, the appointment of lead plaintiffs’ counsel, and consolidation of various actions;

WHEREAS, the Foundation, Johann Gevers, Diego Olivier Fernandez Pons, Bitcoin Suisse AG, and Niklas Nikolajsen do not consent to, and in fact contest, the Court’s exercise of personal jurisdiction over them as well as the propriety of venue of this action;

WHEREAS, all Defendants anticipate moving to dismiss any operative complaint in the Instant Action and, to the extent that they are named therein, the Related Actions;

1 WHEREAS, the Appearing Parties agree that, regardless of how the Court rules on the
2 motions regarding appointment of lead plaintiff, lead plaintiffs' counsel, and for consolidation, it
3 would be appropriate to brief motions to dismiss in all actions on one schedule;

4 NOW, THEREFORE, in consideration of the foregoing and in the interest of judicial
5 economy and good cause shown, the Appearing Parties stipulate, subject to the approval of the
6 Court, the following:

- 7 1. The deadline for Defendants to answer, move to dismiss or otherwise respond to the
8 Complaint shall be 30 days after the Court appoints a lead plaintiff and lead counsel in
9 the Related Actions, and lead plaintiff files and serves a consolidated complaint or a
10 notice stating that lead plaintiff designates a previously filed complaint as operative, or
11 as otherwise ordered by the Court in the Related Actions.
- 12 2. Nothing in this stipulation constitutes a waiver by Plaintiff of any right to seek any
13 discovery or by any Defendant of its rights to object to or oppose any such application
14 for discovery.
- 15 3. Nothing in this stipulation constitutes a waiver by any Defendant of any defenses.
- 16 4. Nothing in this stipulation shall prejudice the right of any party to seek further
17 extensions on the consent of the other parties or from the Court.

18 **IT IS SO STIPULATED.**

19
20
21
22
23
24
25
26
27
28

1 Dated: February 15, 2018

Respectfully Submitted,

2 DAVIS POLK & WARDWELL LLP

3
4 By: /s/ Neal A. Potischman

Neal A. Potischman (SBN 254862)

5 Serge A. Voronov (SBN 298655)

DAVIS POLK & WARDWELL LLP

6 1600 El Camino Real

Menlo Park, California 94025

7 Telephone: (650) 752-2000

8 Facsimile: (650) 752-2111

Email: neal.potischman@davispolk.com

9 serge.voronov@davispolk.com

10 Edmund Polubinski III (*pro hac vice*)

11 Andrew S. Gehring (*pro hac vice*)

DAVIS POLK & WARDWELL LLP

12 450 Lexington Avenue

New York, New York 10017

13 Telephone: (212) 450-4000

14 Facsimile: (212) 701-5800

Email: edmund.polubinski@davispolk.com

15 andrew.gehring@davispolk.com

16 *Attorneys for Defendant Tezos Stiftung*

1 Dated: February 15, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

2
3 By: /s/ Reed R. Kathrein

Reed R. Kathrein (139304)

Peter E. Borkon (212596)

Danielle Charles (291237)

715 Hearst Ave., Suite 202

Berkeley, CA 94710

Telephone: (510) 725-3000

Facsimile: (510) 725-3001

Email: reed@hbsslaw.com

peterb@hbsslaw.com

daniellec@hbsslaw.com

4
5 Jason M. Leviton, *pro hac vice to be submitted*

6 Joel A. Fleming (281264)

7 Jacob A. Walker (271217)

BLOCK & LEVITON LLP

8 155 Federal Street, Suite 400

Boston, MA 02110

9 Telephone: (617) 398-5600

10 Email: jason@blockesq.com

joel@blockesq.com

11 jake@blockesq.com

Steve W. Berman

HAGENS BERMAN SOBOL SHAPIRO LLP

1918 Eighth Avenue, Suite 3300

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile: (206) 623-0594

Email: steve@hbsslaw.com

12
13
14 *Attorneys for Plaintiff*

15 Dated: February 15, 2018

BAKER MARQUART LLP

16
17 By: /s/ Scott M. Malzahn

Brian E. Klein (258486)

Scott M. Malzahn (229204)

2029 Century Park East, Suite 1600

Los Angeles, CA 90067

Telephone: (424) 652-7814

Facsimile: (424) 652-7850

Email: bklein@bakermarquart.com

smalzahn@bakermarquart.com

22
23 *Attorneys for Defendants Dynamic Ledger*
24 *Solutions, Inc., Kathleen Breitman, and Arthur*
25 *Breitman*

1 Dated: February 15, 2018

COOLEY LLP

2
3 By: /s/ Jeffrey M. Kaban

Patrick E. Gibbs (183174)
Jeffrey M. Kaban (235743)
Samantha A. Kirby (307917)
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400
Email: pgibbs@cooley.com
jkaban@cooley.com
skirby@cooley.com

4
5
6
7
8
9 Daniel L. Sachs (294478)
COOLEY LLP
1299 Pennsylvania Ave. NW Suite 700
Washington, DC 20004
Telephone: (202) 728-7114
Facsimile: (202) 842-7899
Email: dsachs@cooley.com

10
11
12
13
14 *Attorneys for Defendant Dynamic Ledger*
15 *Solutions, Inc.*

16 Dated: February 15, 2018

MANATT, PHELPS & PHILLIPS, LLP

17
18 By: /s/ Christopher L. Wanger

Christopher L. Wanger (Bar No. CA 164751)
Ana G. Guardado (Bar No. CA 286732)
One Embarcadero Center, 30th Floor
San Francisco, CA 94111
Telephone: (415) 291-7400
Facsimile: (415) 291-7474
Email: cwanger@manatt.com
AGuardado@manatt.com

19
20
21
22
23 *Attorneys for Defendants Timothy C. Draper and*
24 *Draper Associates V Crypto LLC*
25
26
27
28

1 Dated: February 15, 2018

LEWIS & LLEWELLYN LLP

2
3 By: /s/ Marc R. Lewis

4 Marc R. Lewis (Bar No. 233306)
5 Rebecca F. Furman (Bar No. 294082)
6 505 Montgomery Street, Suite 1300
7 San Francisco, CA 94111
8 Telephone: (415) 800-0590
9 Facsimile: (415) 390-2127
Email: mlewis@lewisllewellyn.com
bfurman@lewisllewellyn.com

Attorneys for Defendant
Diego Olivier Fernandez Pons

10 Dated: February 15, 2018

SWANSON & MCNAMARA LLP

11
12 By: /s/ Britt Evangelist

13 Edward W. Swanson (SBN 159859)
14 Mary McNamara (SBN 147131)
15 Britt Evangelist (SBN 260457)
16 300 Montgomery Street, Suite 1100
17 San Francisco, CA 94104
18 Telephone: (415) 477-3800
19 Facsimile: (415) 477-9010
20 Email: ed@smllp.law
mary@smllp.law
21 britt@smllp.law

Attorneys for Defendant Johann Gevers

1 Dated: February 15, 2018

BROWN RUDNICK LLP

2 By: /s/ Jessica N. Meyers

3 Leo J. Presiado (SBN 166721)
4 2211 Michelson Drive, 7th Floor
5 Irvine, CA 92612
6 Telephone: (949) 752-7100
7 Facsimile: (949) 252-1514
8 Email: lpresiado@brownrudnick.com

9 Sigmund S. Wissner-Gross (*pro hac vice*)
10 Jessica N. Meyers (*pro hac vice*)
11 BROWN RUDNICK LLP
12 Seven Times Square
13 New York, NY 10036
14 Telephone: (212) 209-4800
15 Email: swissner-gross@brownrudnick.com
16 jmeyers@brownrudnick.com

17 *Attorneys for Defendants*
18 *Bitcoin Suisse AG and Niklas Nikolajsen*

19 **FILER'S ATTESTATION**

20 Pursuant to Local Rule 5-1(i)(3), I, Neal A. Potischman, attest that concurrence in filing this
21 document has been obtained from the other signatories.

22 Dated: February 15, 2018

/s/ Neal A. Potischman

23 Neal A. Potischman

24 * * *

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Date: 2/15/18

27 
28 HONORABLE RICHARD SEEBORG
U.S. DISTRICT JUDGE